HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 263(SB) 2006

Satya Pal Singh S/o Sri Raghubir Singh,
Resident of Jawahar Nagar, Post Nagla Deri,
District Nainital. ----Petitioner.

Versus

1. Uttaranchal Pey Jal Sansadhan Vikas Evam Nirman Nigam, Dehradun through its Chairman.
2. Managing Director, Uttaranchal Pey Jal Sansadhan Vikas Evam Nirman Nigam, Dehradun,
3. Secretary, Uttaranchal Pey Jal State of Uttaranchal, Dehradun Secretariat, Subhash Road, Dehradun.

----Respondents.

Mr. S.S. Chauhan, learned counsel for the petitioner.
Sri N.B. Tewari, learned Chief Standing Counsel for the State.
Sri D.S. Patni, learned counsel for Uttaranchal Pey Jal Nigam/respondent nos. 1 & 2.

Coram:-Hon'ble M.M. Ghildiyal, J.
Hon'ble J.C.S. Rawat, J.

P.C.:-

Heard Sri S.S. Chauhan, learned counsel for the petitioner, Sri N.B. Tewari, learned Chief Standing Counsel for the State of Uttaranchal and Sri D.S. Patni, learned counsel for the Uttaranchal Pey Jal Sansadhan Vikas Evam Nirman Nigam/ respondent nos. 1 & 2.

The present writ petition has been filed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus commanding the respondents to review the D.P.C. dated 05.10.2005 in the light of selecting best candidates on merit basis out of total eligibilities,

ii. Issue writ, rule or direction in the nature of mandamus commanding the respondents to consider the case of the petitioner for promotion on the post of SE on the vacant post, accrued in the selection year 2005-2006 in view of Service Regulations 1978 purely on the basis of suitability of merit,

iii. Issue any other writ, order or direction in the nature of mandamus directing to respondents to consider the case of the petitioner for promotion on the post of SE w.e.f. the date 07.10.2005 when the promotion is given to other persons who are having alongwith all consequential benefits and arrears of salary to the petitioner,

iv. Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstance of the case,

v. Award the cost of the petition.

The petitioner has challenged the Departmental Promotional Committee (DPC) held on 05.10.2005 by which promotions to the posts of Superintending Engineer in Uttaranchal Pey Jal Sansadhan Vikas Evam Nirman Nigam were made. The petitioner has admitted that in pursuance of the DPC, held on 05.10.2005, some persons have already been promoted to the post of Superintending Engineer but they have not been made party in the present writ petition.

Though the petitioner has challenged the promotions of the persons who have been promoted on the post of Superintending Engineer in the Uttaranchal Pey Jal Sansadhan Vikas Evam Nirman Nigam in pursuance of the DPC held on 05.10.2005, but those persons have not been impleaded as the

party respondents. This Court cannot pass any order without hearing the persons who have already been promoted to the post of Superintending Engineer. The writ petition is not maintainable on account of non-joinder of necessary parties and is liable to be dismissed as such.

Accordingly, the writ petition is dismissed. No order as to costs.

(J.C.S. Rawat, J.) **(M.M. Ghildiyal, J.)**

August 19, 2006:
NCM: